IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.1363 OF 2004

Nathu L. Chorge .. Appellant
(Org. Defendant)

vs.

Ganpati S. Bathe .. Respondent.
(Org. Plaintiff)

Shri S.P.Thorat, Advocate for the Appellant.

Shri S.G.Page, Advocate for the Respondent.

CORAM : A.S.OKA, J.

DATED : 16th March, 2005.

P.C. :

1. As the Second Appeal is not maintainable, Shri Thorat, learned Counsel appearing for the Appellant submitted that he may be permitted to withdraw the Second Appeal with liberty to challenge the impugned judgment and orders by filing appropriate proceedings.

2. Accordingly the Second Appeal is allowed to be withdrawn with liberty to adopt appropriate proceeding for challenging the impugned judgment and order.

3. Shri Thorat prays that ad-interim relief granted on 30.09.2004 be continued for a reasonable time to enable the Appellant to file the appropriate proceeding. The said prayer is opposed by Shri page. As ad-interim relief is operating for some time, the same is continued for a period of three weeks from today.

4. No order as to costs.

. Parties to act on the authenticated copy of this order.

(A.S.Oka,J.)